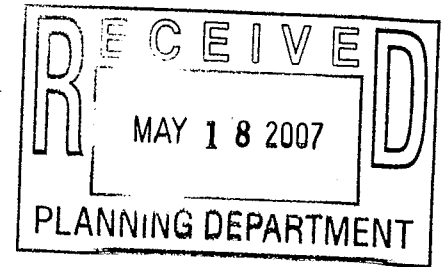


BRAMBLETON - BRANDT
ZONING MAP AMENDMENT APPLICATION
STATEMENT OF JUSTIFICATION

December 30, 2004

(Revised May 1, 2007)



BRAMBLETON HISTORY

Since its inception in 1995, Brambleton has provided Loudoun County with much-needed housing opportunities and contributed essential infrastructure, transportation, recreational and educational resources for the betterment of County residents. In connection with its development, Brambleton constructed almost 2 miles of the four-lane Loudoun County Parkway/ Ryan Road (Route 607/ Route 772), created a dynamic, amenity-filled community and offered much-needed retail and supportive services to the Dulles South area of the County. Brambleton has become one of Northern Virginia's premier residential communities.

In an effort to build upon the success of this attractive planned community, Brambleton Land Acquisition Associates, L.L.C. (the "***Applicant***") proposes to submit four additional, complementary rezoning applications for lands located within and adjacent to Brambleton. All four of these cases, we respectfully submit, are natural, logical additions to the existing Brambleton community. This application is one of the four applications to be filed with the County: (1) Brambleton- Brandt (this application), (2) Brambleton – Town Center Residential, (3) Brambleton Corner, and (4) Brambleton – Active Adult.

PROPERTY INFORMATION AND LOCATION

The Applicant is the title owner of the Brandt Property (the "***Property***"). The Property is approximately 94 acres and is located in the northwest quadrant of the planned intersection of Route 659 Relocated and Evergreen Mills Road. The Property is more particularly identified as Tax Map 91, Parcel 24, MCPI # 201-28-2115. The northern two-thirds of the Property is planned for Residential Use and the balance of the Property is planned for General Industrial Use. It is currently zoned R-1 and PD-GI with the dividing line running concurrently with the planned land use boundaries noted above.

Current land uses surrounding the Property include future residential development within Brambleton to the north and east of the Property, residential development to the west of the Property and single-family residential use on the Northern Virginia Electric Cooperative property to the south.

APPLICATION OVERVIEW

The Applicant is seeking to rezone the portion of the Property north of the planned alignment of Route 621 relocated (the East-West Connector) to PD-H4, to permit development of approximately 236 single-family attached and single-family detached homes.

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The Applicant also plans to develop a compact retail center and assisted living facility south of the planned alignment of Route 621 Relocated. At approximately 13 acres, the retail center will support the businesses and residents in the immediate vicinity of the Property. To achieve the proposed mix of uses, the Applicant requests the rezoning of this portion of the Property to PD-CC(CC) and the remaining 1.5 +/- acres to PD-H4 (administered as R-8) to permit development of an assisted living facility.

The Property will be developed according to the density, open space and land use policy recommendations for residential communities in the Suburban Policy Area of the Revised General Plan (the “*RGP*”) and in conformance with the policies set forth in the Countywide Retail Policy Plan Amendment.

COMPREHENSIVE PLAN COMPLIANCE

The Property is located in the Dulles Community within the Suburban Policy Area. As stated above, the northern portion of the site is designated for Residential Use on the Planned Land Use Map and the southern portion of the site is designated for General Industrial Uses.

Residential Proposal.

The proposed rezoning of the northern portion of the Property to PD-H4 is in conformance and consistent with the planned land use for this portion of the Property.

Commercial Proposal.

Given the development of other land within Brambleton for residential use despite a land use designation of industrial indicates that the General Industrial Land Use designation on the southern portion of the site is an inaccurate representation of the current policy with regard to the Property. In fact, a number of the policies of the General Industrial policies of the RGP and the Countywide Retail Policy Plan Amendment recommend the development of the southern portion of the Property for uses similar to the ones proposed by the Applicant.

The General Industrial Policies state that heavy industrial uses will be buffered from residential uses through means such as locating less-intensive employment uses permitted in light industrial between the heavy industrial uses and any adjacent residential uses. Light industrial uses include business and commercial uses that primarily serve the convenience needs of both local business and residential users. These uses are to be designed in such a way as to provide safe, convenient, and attractive pedestrian access. The proposed concept plan supports the intent of the General Industrial policy by locating ancillary retail services that will serve both residents to the north and industrial uses to the south so as to buffer potentially noxious heavy industrial uses from the proposed adjacent residential uses to the north.

The Retail Plan also supports the location of Service-Area Based Retail, such as the proposed community retail center, between residential and non-residential areas. This “transitioning” of uses maximizes convenient access from surrounding areas while minimizing potential land use conflicts. Community retail centers are intended to address a wide variety of

daily and weekly shopping and personal needs to include restaurants, pharmacies, and gas stations.

While both General Industrial and Retail Plan policies support the intent of the proposed community retail center, namely convenience and screening, several factors make the PD-GI zoning designation incompatible with existing and proposed developments.

First, the Property's proximity to the residential development in Brambleton and the Transition Policy area to the west make the permitted uses of the PD-GI zoning district undesirable. The General Industrial policies of the RGP do not permit the development of General Industrial communities adjacent to residential neighborhoods. Of course, if not permitted to be developed as proposed, this policy may be violated.

Second, the southern portion of the Property will not develop as part of a larger General Industrial park because of an area major floodplain along the southern boundary of the Property. This environmental feature isolates the General Industrial-planned portion of the Property from reaching its highest and best use as currently zoned and planned.

Lastly, the RGP encourages General Industrial uses to be located within the 65 Ldn AI Noise Corridor with convenient access to Dulles International Airport. The majority of the Property is not within the 65 noise corridor. Further, the nearest PD-GI zoned parcel is over a half-mile east of the Property and well within the 65 noise corridor.

The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the RGP.

Applicant also believes that with the Brambleton Active Adult community proximately located to the east of the Property along Route 621, an assisted living facility at this site would permit elderly residents to age-in-place. In fact, the County's recently adopted Countywide Senior Housing Policies support various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County. Applicant respectfully submits that this is a necessary and appropriate use on the Property.

REZONING PROPOSAL

Brambleton proposes to rezone the northern portion and a fraction of the southern portion of the Property to PD-H4 (to be administered as R-8) and to rezone the remainder of the southern portion of the Property to PD-CC(CC). As with the other rezoning applications submitted by the Applicant, this proposed rezoning will help create a southern edge for the community's residential development and emphasize the use of Route 621 Relocated as a boundary between the Brambleton residential community to the north and higher-intensity uses, such as office, retail and light industrial, to the south of Route 621 Relocated. The use of the PD-CC(CC)

zoning district is consistent with the PD-H4 (administered as PD-CC) zoning classification on the parcel immediately to the east of the Property.

The community proposed in the northern portion of the Property will consist of approximately 236 single-family attached and single-family detached dwelling units (market rate and ADU's). To better integrate the proposed development into the greater Brambleton community and in response to comments from the Staff at the Pre-Application Conference, the development will transition from single-family detached units in the northwest corner of the Property to single-family detached units in the southern and southwestern portions of the Property. By developing the Property in this fashion, the Applicant seeks to create a meaningful transition both from higher density development in the north and east (closer to the Brambleton Town Center) to lower density development in the south and west (closer to the Transition area). Additionally, Applicant will extend the attractive streetscape created north of the Property southward along Route 659 Relocated to seamlessly integrate the Property with the greater Brambleton community.

The proposed density for the project is approximately 2.9 dwelling units per acre, inclusive of the thirty Affordable Dwelling Units to be provided pursuant to Article VII of the Zoning Ordinance. In addition to the significant and attractive amenities designed for the benefit of the Brambleton community, such as walking and biking trails, swimming pools and kite parks, active recreation and open space will be provided and civic/ public spaces and uses will be located both on-site and in the vicinity of the Property.

The non-residential development proposed in the portion of the Property south of the East-West Connector will consist of 26,700 square feet of various retail and supportive service uses and a 60,000 square foot assisted living facility. Applicant envisions a variety of retailers and service providers, such as a gas station with related convenience center, drive through restaurants and pharmacy in the retail center, all of which will be significant amenities for the residents of the immediate Brambleton community and the office and industrial users in the vicinity of the Property. As mentioned above, Applicant also believes that with the Brambleton active adult community proximately located to the east of the Property along Route 621, the assisted living facility at this site would permit elderly residents to age-in-place.

PROFFERS

This case is part of a series of complementary, coordinated and logical additions proposed to Brambleton. The Applicant endeavors to work with the Planning Department Staff to create appropriate and reasonable proffers for the four rezoning applications that benefit the greater Brambleton community and surrounding region. The Applicant envisions that the majority of the proffer commitments will be used towards the following regional improvements: the critical extension of Loudoun County Parkway from Creighton Road to a point south of Route 606 (with a major crossing of Broad Run), and implementing additional improvements to the park and recreation facilities within the County's Brambleton Regional Park.

Loudoun County Parkway is planned to be a four (4) lane divided highway with curb and gutter. The 9,400 linear foot length of Loudoun County Parkway that would be completed by the Applicant along the southeastern edge of Brambleton between Creighton Road and a point south of Route 606 will include a significant bridge structure over the Broad Run floodplain.

Additionally, (i) the extension of Route 621 Relocated from the southeastern edge of Brambleton to Loudoun County Parkway and (ii) improvements to Route 842 from Loudoun County Parkway to the western edge of Applicant's property will provide greater access to Loudoun County Parkway to more Loudoun residents. The completion of these important regional road improvements, benefiting all residents of the Dulles District and Loudoun County, is preliminarily estimated in excess of \$28,500,000, plus the additional costs of traffic signals. In connection with the four Brambleton rezoning applications, the Applicant looks forward to working with the County and surrounding property owners in utilizing the funds available under the Brambleton Transportation Improvement Fund Agreement to ensure that these improvements are completed for the benefit of all Loudoun County residents.

TRANSPORTATION

The Brambleton Additions Traffic Impact Study that accompanies this application concluded that proposed improvements in connection with other development in the vicinity of the Property would adequately accommodate the traffic from all four rezonings at acceptable levels of service. The roads in the vicinity of the Property continue operate at acceptable levels of service, despite the fact that AM peak hour trips are approximately three times as much and PM peak hour trips are approximately twice as much as the respective AM and PM peak hour trips generated by the by-right uses under the current R-1 and PD-GI zoning. The Applicant will work with the County to ensure that any traffic impacts on the surrounding road network are reasonably mitigated.

SUMMARY

The proposed rezoning, along with three other rezonings to be filed by Applicant on properties in and adjacent to Brambleton, will enable the Applicant to continue to provide high-quality housing opportunities in the heart of Loudoun County and further provide important infrastructure benefiting Brambleton and Loudoun County residents alike.

The proposal to rezone the Property for single-family attached and detached development to the north of the planned alignment of Route 621 Relocated and the provision of a compact retail and service center to the south of Route 621 Relocated will nicely complement the existing and developing Brambleton community.

The Applicant respectfully requests favorable consideration of the Application by Staff, the Planning Commission and the Board of Supervisors.

**ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION: Revised 1993 Zoning Ordinance
Section 6-1211 (E)**

Matter 1. *Is the proposed zoning district classification consistent with the Comprehensive Plan?*

The Property is subject to the RGP's Suburban Policy Area land use recommendations. The Planned Land Use Map designates the Property for both Residential and General Industrial development. Applicant's proposal is consistent with the Comprehensive Plan's designation of residential development north of the planned alignment of the Route 621 Relocated (the East-West Connector). Although the Applicant is requesting the rezoning of the Property south of the East-West Connector to the PD-CC(CC) and PD-H4 zoning districts, all uses in the southern portion of the Property will be non-residential. Further, the fact that the Property lies outside of the 65 Ldn Noise Corridor and given the Property's proximity to the Transition Policy Area to the west indicates that the Light-Industrial designation on the Property is inappropriate. The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all business and residential users in the vicinity of the Property consistent with the purpose of the PD-CC district, the recommendations of the RGP and policies of the Countywide Retail Policy Plan Amendment.

The requested rezoning further emphasizes the use of the East-West Connector as a boundary between the Brambleton residential community to the north and higher-intensity uses, such as office, retail and light industrial, to the south of the East-West Connector.

Matter 2. *Are there any changed or changing conditions in the area affected that make the proposed rezoning appropriate?*

The Brambleton residential community is located in a distinct area immediately to the east of the Transition area and the development of the Brambleton community to the north and east of the Property make a compelling case for this rezoning. As a result of the PD-H4 zoning designation throughout the surrounding Brambleton community, the more logical zoning of the residential portion of the Property is PD-H4. Rezoning the Property to PD-H4 will unify the zoning across the residential core of Brambleton.

The location of the southern portion of the Property adjacent to three important connections (Route 659 Relocated, the future alignment of Route 621 Relocated and Evergreen Mills Road) makes the use of the southern part of Property ideal for a PD-CC(CC) zoning district. Additionally, the residents of the surrounding residential and business communities will benefit from the proximate location of a retail center like the one contemplated by Applicant.

Matter 3. *Are the range of uses in the proposed zoning district classification compatible with the uses permitted on other property in the immediate area?*

The proposed zoning district on the northern portion of the site is identical to the zoning district on the adjacent properties to the north and east and consistent with the zoning districts throughout the Brambleton community. It remains compatible with the R-1 zoning district immediately to the west of the Property.

With regard to the southern portion of the site, the proposed zoning district of PD-CC(CC) and inclusion of an assisted living facility are supportive of the surrounding residential uses and are compatible with the other non-residential uses that will be located south of the East-West Connector.

- Matter 4. *Do adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned?*

Public water and sewer are available at the Property. The Property will be integrated into the Brambleton community; schools and other facilities will be provided as set forth in the Brambleton Concept Plan.

- Matter 5. *What is the effect of the proposed rezoning on the County's ground water supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

- Matter 6. *What is the effect of uses allowed by the proposed rezoning on the structural capacity of the soils?*

The uses planned for the Property are not anticipated to have an adverse impact on the structural capacity of the soils.

- Matter 7. *What impact will the uses that would be permitted if the Property were rezoned have upon the volume of vehicular and pedestrian traffic safety in the vicinity of the Property? Will the proposed rezoning use sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas?*

The transportation impacts are outlined in the Brambleton Additions Traffic Impact Study prepared by Wells & Associates, dated December 22, 2004, revised through September 14, 2006, included with this rezoning application. At buildout, all nearby intersections maintain acceptable levels of service with the development of the Property as proposed.

The proposed rezoning will take such steps as are necessary to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

- Matter 8. *Does a reasonably viable economic use of the Property exist under the current zoning?*

With regard to the northern portion of the site, we are merely requesting to change the classification on the property from one residential zoning district to another. Rezoning this portion of the Property to PD-H4 will allow the Applicant to achieve a more vibrant and viable economic use of the Property.

Given the size, shape and location of the southern portion of the Property, it is unlikely that the Property would achieve its highest and best use under the PD-GI

zoning. Further, an existing floodplain on the site makes general industrial uses difficult, if not impossible. However, rezoning the southern portion of the site to PD-CC(CC) and permitting a special exception for an assisted living facility will bring viable uses to this Property. These uses will support the convenience retail and assisted living requirements of the surrounding business and residential users.

Matter 9. *What is the effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality?*

The proposed rezoning is not anticipated to have any adverse impacts on the environment and, in fact, is more sensitive to the environment than the currently approved zoning district.

Matter 10. *Does the proposed rezoning encourage economic development activities in areas designated by the Comprehensive Plan and provide desirable employment and enlarge the tax base?*

The proposed rezoning of the southern portion of the Property will encourage economic development activities and provide employment opportunities by bringing a variety of supportive services and retail development to this corner of the Brambleton community. The proposed commercial center will be an attractive addition to this portion of Route 659 Relocated and Route 621 Relocated. Further, the proposed commercial uses will have a positive influence on the local tax base, strengthen the County's commercial infrastructure and create a variety of job opportunities. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purposes of the PD-CC zoning district, the recommendations of the RGP, and the policies of the Countywide Retail Policy Plan Amendment.

Matter 11. *Does the proposed rezoning consider the needs of agriculture, industry and businesses in future growth?*

The proposed rezoning will provide employees to support the growth of businesses and create additional employment opportunities.

Matter 12. *Does the proposed rezoning consider the current and future requirements of the community as to land for various purposes as determined by population and economic studies?*

It is unlikely that the small portion of the site that is zoned for General Industrial purposes would ever develop for industrial uses and, as noted above, is not an appropriate use of the site. Also, the size of the site and existing floodplain makes general industrial uses difficult, if not impossible. However, rezoning the southern portion of the site to PD-CC(CC) will bring a viable use to this Property and that will support the convenience retail and senior housing needs of the surrounding businesses and residential users.

Matter 13. *Does the proposed rezoning encourage the conservation of properties and their values and encourage the most appropriate use of land throughout the County?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the RGP and the policies set forth in the Countywide Retail Policy Amendment.

- Matter 14. *Does the proposed rezoning consider trends of growth or changes, employment and economic factors, the need for housing, probable future economic and population growth of the County, and the capacity of existing and/or planned public facilities and infrastructure?*

Notwithstanding the amount of housing approved in the Brambleton community, there is a continued, very strong demand for additional quality housing in eastern Loudoun County. The Metropolitan Washington Council on Governments has predicted an increase in the housing shortage between now and 2025. The proposed rezoning is in response to the demand for more housing opportunities within the County.

Further, the incorporation of retail development in the southern portion of the Property responds to the anticipated demand for supportive services that are not currently available in this portion of the Brambleton community or in the immediate vicinity of this area. Provision of these services is also consistent with the Countywide Retail Policy Plan Amendment.

Lastly, the provision of an assisted living facility is consistent with the County's Countywide Senior Housing Policies within Brambleton which support various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County. With the Brambleton Active Adult community proposed to be proximately located to the east of the Property along Route 621, an assisted living facility at this site would permit elderly residents to age-in-place.

- Matter 15. *What is the effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County?*

The Applicant will provide the requisite number of affordable dwelling units within the development. Additionally, the development will provide a variety of housing products thereby increasing the diversity in price, size and character of the homes within Brambleton.

- Matter 16. *What is the effect of the rezoning on natural, scenic, archaeological, or historical features of significant importance?*

The Property does not include any unique historic or scenic, or natural features that warrant protection or preservation. However, the project does propose to incorporate an existing floodplain and associated riparian buffers and wetlands as part of the 41% open space designated for the proposed commercial uses and 36.2% open space designated for proposed the residential units.

ZONING ORDINANCE MODIFICATIONS

for

BRAMBLETON - BRANDT

PROJECT CONTEXT

Brambleton – Brandt (the “*Property*”) is located within the Dulles Community of the Suburban Policy Area and is in an area designated for Residential and Light Industrial Uses by the Revised General Plan (the “*RGP*”). The Property is zoned R-1 and PD-GI and the Applicant has requested the rezoning of the Property

A primary objective of the RGP is the creation of usable open space areas for passive and active recreation through the use of conservation design concepts. The Applicant endeavors through the proposed rezoning to offer a variety of single-family attached and detached housing styles on lots with reduced front yard requirements and reduced setbacks from non-collector and non-arterial roads. Such lots help to maximize the amount of usable common open space and also help to minimize housing costs.

Additionally, the Applicant has requested the modification of the building height maximum from 35 feet to 40 feet to better accommodate customer demands for single family attached homes that feel like single-family detached homes and to provide greater variety in the housing types offered at Brambleton.

Finally, Applicant also requests a number of modifications that result from the placement of the assisted living facility in the commercial center to the south of Route 621 Relocated. This portion of the Property will be used entirely for non-residential purposes, despite the residential zoning for the assisted living facility. Applicant respectfully requests modification of certain provisions of the zoning ordinance to permit this use.

SECTION 6-1504 MODIFICATION APPROVAL CRITERIA

“No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.”

BUFFERING AND SCREENING MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 5-1405. Buffer Yards and Screening, General Provisions. (C) Where the structure or lot or development is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may reduce and/or modify the requirements of the matrix upon a

finding that the need for the more stringent requirements has been partially mitigated or eliminated by the arrangement of uses.”

Proposed Modification

The Applicant requests (1) the elimination of the buffers between the portions of the Property to be zoned PD-H4 and the area to be zoned PD-CC, (2) the elimination of the buffer required between the PD-CC district and the adjacent PD-H zoned property to the east and (3) elimination of required buffers between uses in the PD-CC district. Sheet 14 of the CDP illustrates the extent of this modification.

Justification

- Improves Upon Existing Regulations. In requesting to eliminate the buffers required between the proposed assisted living facility and commercial uses from the proposed single-family detached units, Applicant notes that, in addition to the separation of the uses by Route 621 Relocated, a 75 foot setback is proposed north and south of Route 621 Relocated. Further, Applicant proposes the preservation of an existing wetland south of Route 621 Relocated and the use of open space north of Route 621 Relocated as a multi-use play area. Combined, the road, setbacks, and location of natural features will create an approximate 450 foot buffer between the proposed assisted living facility and commercial uses and the single-family detached units.

Applicant has also requested to eliminate the buffer between the area proposed for a assisted living facility and commercial uses and between and the PD-H4 zoned parcel to the east. This parcel is a spite strip between the Property and future Route 659 Relocated on which the Applicant is proposing a Type 3 buffer with a 4 foot berm. Applicant believes that the provision of the Type 3 buffer and berm justifies the elimination of the buffer yard required for this eastern boundary of the Property. adjacent to the assisted living and commercial uses.

Applicant has also requested to eliminate the required buffers between commercial uses in the PD-CC district. The Applicant seeks to develop a compact commercial center, which is pedestrian friendly and proximate to residential development. Applicant believes that the required buffers are not necessary between like uses and will only serve to separate the proposed commercial uses and impede pedestrian connectivity.

- Innovative Design. The bifurcation of the proposed development by the planned alignment of Route 621 Relocated creates a favorable design situation where (a) non-residential uses are able to be clustered in a convenient, compact community retail center and (b) a physical barrier (Route 621 Relocated) distinguishes the commercial retail center from the proposed residential development.

- Exceeds the Public Purpose of Existing Regulations. In requesting to eliminate the required buffer between the assisted living facility and commercial uses, Applicant notes that many assisted living facilities in Loudoun County (including the Sunrise facility in Countryside and the Mirror Ridge facility in Sterling) are integrated into commercial areas and located on busy roads. Further, the County has encouraged proposed continuing care communities (of which assisted living facilities are a part) to locate such uses near commercial centers “to ensure senior residents the benefits of safe and convenient access to amenities and services” (RGP 2-15). Applicant respectfully submits that the proposed site will allow for the most appropriate location for this much needed use. Residents, to the extent that some are ambulatory, will have access to the proposed pharmacy and restaurants.

R-8 DISTRICT ROAD SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 3-511. Development Setback and Access from Major Roads. In designing residential development, the following requirements shall be observed: (A) Setback. No building shall be located closer than 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any major collector, and twenty five (25) feet from any other road right-of-way, except where lots are developed pursuant to Section 3-506(C)(3).”

Proposed Modification

The Applicant requests that the setback minimum from a right-of-way other than arterial and collector roads be reduced from a minimum of twenty-five feet to fifteen feet.

Justification

- Exceed the Purpose of Existing Regulations. The proposed modification will correct an inconsistency in the Zoning Ordinance and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable dwelling units.

PD-CC DISTRICT PERIMETER YARD MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 4-205. Lot Requirements. (C) Yards. The following perimeter yard minimums shall be provided for each type of commercial center: (2) Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. (All Centers) No building, parking, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than (100) feet to any agriculture districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land

bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas.”

Proposed Modification

The Applicant requests permission for buildings, parking, outdoor storage, areas of collection of refuse or loading closer than 100 feet to planned residential districts and to permit some parking, outdoor storage areas for collection of refuse, and loading areas between buildings and streets where visible from the road as shown Sheet 14 of the CDP.

Justification

- Innovative Design. All commercial uses proposed for the project are located to the south of Route 621 Relocated while all residential uses are located to the north of Route 621 Relocated. An assisted living facility, which is a commercial use, is permitted in the R-8 district, but not permitted in the PD-CC district. Thus, to cluster non-residential uses together, the southern portion of Brandt is split-zoned, resulting in the need for modification of this provision. Also, there isn't the same need for strict compliance with this provision due to the bifurcation of the proposed development by the planned alignment of Route 621 Relocated.

Additionally, in order to create a pedestrian friendly commercial center on this oddly shaped and sized parcel, it is important to have feasibility in the location of these items. As Staff will see from Sheet 14 of the proposed CDP, Applicant has sought to limit the areas in which this provision needs modification.

This proposed modification is required along the eastern boundary of the proposed PD-CC district. In this location, the adjoining parcel to the west is owned by Brambleton Group LLC. This spite strip is too narrow to be developed for a residential use. Further, the Applicant is proposing a Type 3 buffer yard and berm on this parcel which will further clarify that the intention is not to use the parcel for a residential use.

PD-CC DISTRICT BUFFER MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 4-207. Use Limitations. (C) Site Planning - External Relationships. Commercial and service uses and structures and their parking areas shall be oriented toward existing and planned major arterials, minor arterials, or collector streets and away from adjacent existing and planned minor streets in residential neighborhoods or from existing and planned adjacent residential neighborhoods not separated from the district by streets. (3) For individual lots subdivided within a commercial center that is developed in accordance with a proffered concept development plan, the buffer and screening requirements of Section 5-1400 shall apply only to the perimeter area of the center and shall not be applicable internally between uses on adjacent lots developed within the center.”

“Section 5-1407. Buffer Yard and Screening Requirements. (A) Location. Buffer yards shall be located along the perimeter of a lot or parcel.”

Proposed Modification

Applicant requests a reduction of the requirement to buffer the perimeter of a lot or parcel with respect to the buffer requirement between the assisted living facility and the service/retail uses. The proposed alternate buffer is a 20 foot Type 3 buffer. Sheet 13 of the CDP illustrates the extent of this modification.

Justification

- Innovative Design. As stated above, assisted living facilities, like skilled nursing facilities, are more similar to commercial uses than residential uses as many of the residents need a higher level of care than a typical resident might. Such residents typically do not avail themselves of typical neighborhood amenities, like another neighborhood resident might. Hence, traffic impacts and parking requirements are more similar to that of a commercial use. Further, the County has encouraged proposed continuing care communities (of which assisted living facilities are a part) to locate such uses near commercial centers “to ensure senior residents the benefits of safe and convenient access to amenities and services” (RGP 2-15). Finally, the clustering of like uses in a single area of the Property makes modification of this provision desirable and necessary.

The proposed alternate buffer is a 20 foot Type 3 buffer that is intended to provide screening from the proposed commercial uses to the south and west. Also, the facility will be screened from Route 659 Relocated and Route 621 Relocated by a 100 foot setback and 75 foot setback, respectively. Sheets 3, 4, and 13 of the CDP illustrate these buffers.

PD-CC DISTRICT VEHICULAR ACCESS MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 4-206. Building Requirements. (D) Vehicular Access. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows: (2) Community Centers. Collector roads.”

Proposed Modification

The Applicant respectfully requests the modification of this requirement to permit vehicular access from its center to Route 659 Relocated, a minor arterial road.

Justification

- Innovative Design. Use of the triangularly-shaped parcel created by the future alignment of Route 621 Relocated and Route 659 Relocated for a Community Center will achieve the highest and best use of this portion of the Property and will benefit the surrounding residents and businesses. With the eventual vacation of Evergreen Mills Road on the western boundary of the Property, bordering roads will be a major collector road (Route 621 Relocated) and minor arterial road (Route 659 Relocated), respectively, thus making this modification necessary.

R-8 DISTRICT BUFFERING MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 4-109. Site Planning - External Relationships. Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features: (C) Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either: (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or, (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.”

Proposed Modification

The Applicant requests the elimination of the 50 foot buffer requirement along the eastern edge of the Property adjacent to Route 659 Relocated as well as the north edge of the Property as shown on Sheet 13 of the CDP.

Justification

- Innovative Design. This proposed modification is required along the Property’s eastern boundary, closest to the proposed Route 659 Relocated. Where the 50-foot buffer cannot be provided, the Property will be separated from the right-of-way by a spite strip, which is owned by Brambleton Group LLC. This spite strip is too narrow to be developed for a residential use. Further, the Applicant is proposing a Type 3 buffer yard and four foot berm on this parcel which, with the width of the spite strip, provides a substantial setback and buffer between the Property and the future Route 659 Relocated. The Applicant, therefore, believes that the 50-foot buffer along the eastern boundary of the site is appropriately supplemented by the existing spite strip and proposed berm and buffer and exceeds the purpose of the zoning ordinance requirements.

Applicant also requests a modification of the buffer requirements along the northern edge of the residential portion of the Property. Applicant seeks to allow the future residential development of the parcel to the north to be integrated with proposed neighborhood to the south. The provision of a 50 foot buffer would prevent such integration. Furthermore, any future dwellings in the northern parcel would be a part of the same HOA as those units on the Property and it will be important to provide future residents of this northern parcel with a convenient pedestrian connection to the proposed open space and tot lots at the Property. Applicant believes that this will provide for an innovative design.

R-8 DISTRICT BUFFERING MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 3-509(C). Minimum Buffer. A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.

Proposed Modification

The Applicant requests the elimination of the 50 foot buffer requirement between Land Bays D and E and along the eastern edge of the Property adjacent to Route 659 Relocated as well as the north edge of the Property as shown on sheet 13 of the CDP.

Justification

- Innovative Design. This proposed modification is required along the northeastern portion of the Property's eastern boundary, closest to the proposed Route 659 Relocated. Where the 50-foot buffer cannot be provided, the Property will be separated from the right-of-way by a spite strip, which is owned by Brambleton Group LLC, is too narrow to be developed for a residential use and which provides a substantial setback between the Property and the future Route 659 Relocated. The Applicant, therefore, believes that the 50-foot buffer along the northeastern portion of the eastern boundary of the site is appropriately supplemented by the existing spite strip and exceeds the purpose of the zoning ordinance requirements.

Applicant also requests a modification of the buffer requirements along the northern edge of the residential portion of the Property. Applicant seeks to allow the future residential development of the parcel to the north to be integrated with proposed neighborhood to the south. The provision of a 50 foot buffer would prevent such integration. Furthermore, any future dwellings in the northern parcel would be a part of the same HOA as those units on the Property and it will be important to provide future residents of this northern parcel with a convenient pedestrian connection to

the proposed open space and tot lots at the Property. Applicant believes that this will provide for an innovative design.

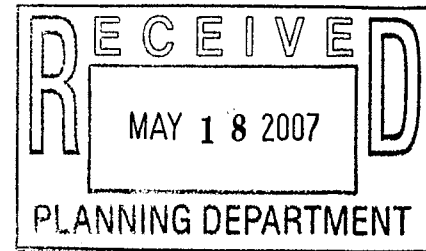
Furthermore, the Applicant believes that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.

SUMMARY

The requested modifications are modest and reasonable changes in the application of the Zoning Ordinance to the subject Property. These modifications will provide the flexibility necessary to design the most attractive mixed-use community, with the most desirable lot layout and architecture. The requested modifications meet the criteria of Section 6-1504 by promoting innovative design, improving upon and exceeding the purposes of the existing regulations. The submitted rezoning plans indicate that 36.3% of the residential portion of the Property and more than 41% of the commercial portion of the Property will be retained for open space, a clear indication that these modifications are not intended for the primary purpose of achieving maximum density. Therefore, the Applicant respectfully requests approval of these modifications.

BRAMBLETON LAND ACQUISITION ASSOCIATES, LLC

**BRAMBLETON – BRANDT
SPECIAL EXCEPTION APPLICATION
STATEMENT OF JUSTIFICATION
(Revised May 15, 2006)**



I. INTRODUCTION

Brambleton Land Acquisition Associates, LLC (the “Applicant”) is requesting the approval of multiple special exception uses (the “Application”) for the purpose of developing a small commercial center, composed of three drive-thru restaurant facilities, a service station with gas pumps and an ancillary car wash, a pharmacy and an assisted living facility on an approximately 13-acre portion of the larger 94-acre Brandt Property. The Brandt Property is comprised of one tax parcel owned by the Applicant, for which the Applicant has a pending Zoning Map Amendment to rezone approximately one-third of the parcel to PD-CC(CC) and two-thirds of the parcel to PDH-4 (administered as R-8). This Application specifically requests special exception approval to develop three drive-thru restaurant facilities and a service station with gas pumps and an ancillary car wash in the PD-CC(CC) zone as well as a special exception to develop an assisted living facility in the PDH-4 (administered as R-8) zone.

II. BRAMBLETON HISTORY

Since its inception in 1995, Brambleton has provided Loudoun County with much-needed housing opportunities and contributed essential infrastructure, transportation, recreational and educational resources for the betterment of County residents. In connection with its development, Brambleton constructed almost 2 miles of the four-lane Loudoun County Parkway/ Ryan Road (Route 607/ Route 772), created a dynamic, amenity-filled community and offered much-needed retail and supportive services to the Dulles South area of the County. Brambleton has become one of Northern Virginia’s premier residential communities.

In an effort to build upon the success of this attractive planned community, the Applicant proposes to submit four additional, complementary rezoning applications for lands located within and adjacent to Brambleton. All four of these cases, we respectfully submit, are natural, logical additions to the existing Brambleton community. This special exception application is part of one of the four interrelated applications to be filed with the County: (1) Brambleton- Brandt (this application), (2) Brambleton – Town Center Residential, (3) Brambleton Corner, and (4) Brambleton – Active Adult.

III. PROPERTY INFORMATION AND LOCATION

The Applicant is the title owner of the Brandt Property (the “*Property*”). The Property is approximately 94 acres and is located in the northwest and southwest quadrants of the planned intersection of Route 659 Relocated and Route 621 Relocated. The Property is more particularly identified as Tax Map 91, Parcel 24, MCPI # 201-28-2115. The northern two-thirds of the

Property is planned for Residential Use and the balance of the Property is planned for Light Industrial Use. It is currently zoned R-1 and PD-GI with the dividing line running concurrently with the planned land use boundaries noted above.

Current land uses surrounding the Property include future residential development within Brambleton to the north and east of the Property, residential development to the west of the Property and single-family residential use on the Northern Virginia Electric Cooperative property to the south.

The special exception uses requested by this Application shall be located in the southern thirteen acres of the Property (the "Commercial Property"), south of Route 621 Relocated.

IV. ZONING

Brambleton proposes to rezone the northern portion of the Property and a fraction of the Commercial Property to PD-H4 (to be administered as R-8) and to rezone the remainder of the Commercial Property to PD-CC(CC). As with the other rezoning applications submitted by the Applicant, this proposed rezoning will help create a southern edge for the community's residential development and emphasize the use of Route 621 Relocated as a boundary between the Brambleton residential community to the north and higher-intensity uses, such as office, retail and light industrial, to the south of Route 621 Relocated. The use of the PD-CC(CC) zoning district is consistent with the PD-H4 (administered as PD-CC) zoning classification on the parcel immediately to the east of the Commercial Property.

V. COMPREHENSIVE PLAN COMPLIANCE

The Revised General Plan (the "RGP") designates the northern portion of the Property for Residential Use on the Planned Land Use Map and the Commercial Property for General Industrial Uses. The Property is located in the Dulles Community within the Suburban Policy Area, as stated above.

Given the development of other land within Brambleton for residential use despite a land use designation of industrial indicates that the General Industrial Land Use designation on the Commercial Property is an inaccurate representation of the land use current policy in this area. In fact, a number of the policies of the General Industrial policies of the RGP and the Countywide Retail Policy Plan Amendment (the "Retail Plan") recommend the development of the southern portion of the Property for uses similar to the ones proposed by the Applicant.

The General Industrial Policies state heavy industrial uses will be buffered from residential uses through means such as locating less-intensive employment uses permitted in light industrial between the heavy industrial uses and any adjacent residential uses. Light industrial uses include business and commercial uses that primarily serve the convenience needs of both local business and residential users. These uses are to be designed in such a way as to provide safe, convenient, and attractive pedestrian access. The proposed concept plan supports the intent of the General Industrial policy by locating ancillary retail services that will serve both residents to the north and industrial uses to the south so as to buffer potentially noxious heavy industrial uses from the proposed adjacent residential uses to the north.

The Retail Plan also supports the location of Service-Area Based Retail, such as the proposed community retail center, between residential and non-residential areas. This “transitioning” of uses maximizes convenient access from surrounding areas while minimizing potential land use conflicts. Community retail centers are intended to address a wide variety of daily and weekly shopping and personal needs to include restaurants, pharmacies, and gas stations.

While both General Industrial and Retail Plan policies support the intent of the proposed community retail center, namely convenience and screening, several factors make the PD-GI zoning designation incompatible with existing and proposed developments.

First, the Property’s proximity to the residential development in Brambleton and the Transition Policy area to the west make the permitted uses of the PD-GI zoning district undesirable. The General Industrial policies of the RGP do not permit the development of General Industrial communities adjacent to residential neighborhoods. Of course, if not permitted to be developed as proposed, this policy may be violated.

Second, the southern portion of the Property will not develop as part of a larger General Industrial park because of an area major floodplain along the southern boundary of the Property. This environmental feature isolates the General Industrial-planned portion of the Property from reaching its highest and best use as currently zoned and planned.

Lastly, the RGP encourages General Industrial uses to be located within the 65 Ldn AI Noise Corridor with convenient access to Dulles International Airport. The majority of the Property is not within the 65 noise corridor. Further, the nearest PD-GI zoned parcel is over a half-mile east of the Property and well within the 65 noise corridor.

The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

Applicant also believes that with the Brambleton Active Adult community proximately located to the east of the Property along Route 621, an assisted living facility at this site would permit elderly residents to age-in-place. In fact, the County’s recently adopted Countywide Senior Housing Policies within Brambleton support various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County. Applicant respectfully submits that this is a necessary and appropriate use on the Property.

VI. PROPOSED USE

The Application requests approval to allow three drive thru restaurant facilities, a service station with gas pumps and a car wash and an assisted living facility use on the Property. The submitted Plat shows the planned locations of the proposed buildings. The Applicant is requesting approval for two drive thru restaurant facilities of 4,500 square feet each and one

drive thru restaurant of 3,800 square feet, a service station facility of 2,200 square feet and an assisted living facility of 60,000 square feet.

The drive thru restaurants are permitted by special exception in the PD-CC(CC) zoning district under Section 4-204(B)(9) of the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") and the service station with gas pumps and a car wash is permitted under Section 4-204(B)(2) of the Zoning Ordinance. The assisted living facility is permitted by special exception in the PD-H4 zoning district (administered as R-8) under Section 3-504(K).

The Special Exception Plat also shows the location of the parking spaces, dumpster pads and associated buffer yards. A 100-foot setback is provided along Route 659 Relocated and a 75-foot setback is also provided along Route 621 Relocated.

The Property does not include any unique historic or scenic, or natural features that warrant protection or preservation, and there are no steep slopes on the Property. However, the project does propose to incorporate an existing floodplain and associated riparian buffers and wetlands as part of the 41% open space designated for the proposed commercial uses and 36.3% open space for proposed residential units.

The traffic study submitted with this Application demonstrates that the proposed uses will not have an adverse impact on the local road network. The transportation impacts are outlined in the Brambleton Additions Traffic Impact Study prepared by Wells & Associates, dated December 22, 2004, revised through May 10, 2006, included with this Application. At buildout, all nearby intersections maintain acceptable levels of service with the development of the Property as proposed. In addition, the Applicant will take such steps as are necessary to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

The three proposed drive-thru restaurant uses and gas station are designed to primarily serve the southwestern portion of the larger Brambleton community. Integration of these uses within the greater Brambleton community will minimize traffic throughout surrounding areas as residents will not have to travel as far to reach these uses.

In addition, the County has developed Countywide Senior Housing Policies which address the growing need for housing for this segment of the community. The assisted living facility proposed at this location will benefit this presently underserved population, in addition to complementing the proposed active-adult, age-restricted community proposed by the Applicant at the southeast corner of the Brambleton community.

VII. CONCLUSION

The Application is consistent with the economic development and business land use policies and the design guidelines of the RGP. The proposed commercial center will be an attractive addition to this portion of Route 659 Relocated and Route 621 Relocated. The proposed uses will have a positive influence on the local tax base, strengthen the County's commercial infrastructure and create a variety of job opportunities. The Applicant respectfully requests the approval of this Special Exception Application by the Planning Commission and the Board of Supervisors.

SPECIAL EXCEPTION MATTERS FOR CONSIDERATION:

Revised 1993 Zoning Ordinance Section 6-1310

(Drive-thru Restaurant Facilities; Service Station with Gas Pumps and a Car Wash)

Matter 1. *Is the proposed special exception consistent with the Comprehensive Plan?*

The Property is subject to the land use policy recommendations for residential communities in the Suburban Policy Area of the Revised General Plan ("RGP"). The proposed special exception will provide convenient access to commercial retail services for residential and commercial users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC zoning district, the recommendations of the RGP, and the policies of the Countywide Retail Policy Plan.

Matter 2. *Will the proposed special exception adequately provide for safety from fire hazards and have effective measures of fire control?*

The special exception will provide for safety from fire hazards and have effective measures of fire control. Such provisions will be demonstrated during site plan approval. The property will remain accessible by emergency vehicles at all times.

Matter 3. *Will the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impact the uses in the immediate area?*

It is unlikely that any noise generated by the uses on the site will have a detrimental impact on uses in the immediate area. Route 621 Relocated along the northern border of the site serves as a line of demarcation between residential uses to the north and non-residential and higher-intensity uses to the south.

Matter 4. *Will the glare or light that may be generated by the proposed use negatively impact uses in the immediate area?*

Glare or light generated by the uses will not negatively impact the immediate area. Light fixtures used will comply with the light and glare standards in Section 5-1504 of the 1993 Revised Loudoun County Zoning Ordinance.

Matter 5. *Is the proposed use compatible with other existing or proposed uses in the neighborhood, and adjacent parcels?*

The proposed uses are compatible with the other non-residential uses that will be located south of the East-West Connector (Route 621 Relocated). Further, the same uses will provide convenient access to commercial retail services for residential and commercial users in the vicinity of the Property.

Matter 6. *Is there sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses?*

The uses will meet the applicable buffering and screening standards of the 1993 Revised Loudoun County Zoning Ordinance. The site is segregated from adjacent parcels to the north and east by Route 621 Extended and Route 659 Extended, respectively. Existing vegetation will be utilized to screen the proposed uses from existing uses to the south and west of the site.

Matter 7. *Will the proposed special exception result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance?*

The Property does not include any unique historic or scenic, or natural features that warrant protection or preservation, and there are no steep slopes on the Property. However, the project does propose to incorporate an existing floodplain and associated riparian buffers and wetlands as part of the 41% open space designated for the proposed commercial uses.

Matter 8. *Will the proposed special exception damage existing animal habitat, vegetation, water quality (including groundwater) or air quality?*

See response to matter 7 above. The proposed rezoning is not anticipated to have any adverse impacts on the environment and, in fact, is more sensitive to the environment than the currently approved zoning district. The proposed exception will not damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

Matter 9. *Will the proposed special exception at the specified location contribute to or promote the welfare or convenience of the public?*

The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

Matter 10. *Will the traffic expected to be generated by the proposed use be adequately and safely served by roads, pedestrian connections and other transportation services?*

The site has excellent access from a four lane road (Route 621 Relocated) and a 6 lane road (Route 659 Relocated). Also, users will be able to avail themselves of all transportation and pedestrian connections at Brambleton.

The transportation impacts are outlined in the Brambleton Additions Traffic Impact Study prepared by Wells & Associates, dated December 22, 2004, revised

through May 10, 2006, included with this special exception application. At buildout, all nearby intersections maintain acceptable levels of service with the development of the Property as proposed.

- Matter 11. *Will, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County?*

Not Applicable.

- Matter 12. *Will the proposed special exception be served adequately by essential public facilities and services?*

The special exception will be adequately served by public sewer and water and necessary fire and rescue services.

- Matter 13. *Will the proposed special exception use affect groundwater supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

- Matter 14. *Will the proposed use affect the structural capacity of the soils?*

The proposed uses are not anticipated to have an adverse impact on the structural capacity of the soils.

- Matter 15. *Will the proposed use negatively impact orderly and safe road development and transportation?*

The proposed special exception will not negatively impact orderly and safe road development and transportation.

- Matter 16. *Will the proposed special exception use provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan?*

Applicant proposes a Commercial Center – Community Center consistent with the Service Area-Based Retail policies described in the Countywide Retail Policy Plan Amendment. The Retail Plan encourages such centers as a means to address a wide variety of daily and weekly shopping and personal needs to include restaurants, pharmacies, and gas stations. Further, convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

Bringing a variety of supportive services and retail development to this corner of the Brambleton community will provide desirable employment and enlarge the tax base.

- Matter 17. *Will the proposed special exception consider the needs of agriculture, industry, and businesses in future growth?*

The proposed special exception is not located in an area planned for future agricultural uses, and the planned commercial retail center will help support the convenience needs of local business and industry.

- Matter 18. *Will adequate on and off-site infrastructure be available?*

Yes. Adequate on an off-site infrastructure will be available at the time of development.

- Matter 19. *Are odors anticipated which may be generated by the uses on site, and which may negatively impact adjacent uses?*

Anticipated odors are those typically associated with the proposed uses. The site is located south of Route 621 Relocated and away from proposed residential development north of Route 621 Relocated.

- Matter 20. *Do the proposed special exception uses provide sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas?*

The Special Exception uses are not located so as to permit construction traffic to access the site through existing neighborhoods or school areas. All construction traffic would access the site off of Route 621 Relocated and/or Route 659 Relocated. Also, the site for the proposed special exception uses and the areas surrounding the uses are currently undeveloped. They will not have an impact on existing neighborhoods and school areas.

SPECIAL EXCEPTION MATTERS FOR CONSIDERATION:

Revised 1993 Zoning Ordinance Section 6-1310

(Assisted Living Facility)

Matter 1. *Is the proposed special exception consistent with the Comprehensive Plan?*

The Property is subject to the land use policy recommendations for residential communities in the Suburban Policy Area of the Revised General Plan ("RGP"). The proposed special exception use will benefit a presently underserved population in Loudoun County, in addition to complementing the proposed active-adult, age-restricted community proposed by the Applicant at the southeast corner of the Brambleton community. Such facilities are consistent with the County's recently adopted Countywide Senior Housing Policies which promote various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County.

Matter 2. *Will the proposed special exception adequately provide for safety from fire hazards and have effective measures of fire control?*

The special exception will provide for safety from fire hazards and have effective measures of fire control. Such provisions will be demonstrated during site plan approval. The property will remain accessible by emergency vehicles at all times.

Matter 3. *Will the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impact the uses in the immediate area?*

It is unlikely that any noise generated by the use on the site will have a detrimental impact on uses in the immediate area. Route 621 Relocated along the northern border of the site serves as a line of demarcation between residential uses to the north and non-residential and higher-intensity uses to the south.

Matter 4. *Will the glare or light that may be generated by the proposed use negatively impact uses in the immediate area?*

Glare or light generated by the use will not negatively impact the immediate area. Light fixtures used will comply with the light and glare standards in Section 5-1504 of the 1993 Revised Loudoun County Zoning Ordinance.

Matter 5. *Is the proposed use compatible with other existing or proposed uses in the neighborhood, and adjacent parcels?*

The proposed use as defined (i.e. assisted living facilities as a commercial use) is compatible with the other non-residential uses that will be located south of the East-West Connector (Route 621 Relocated). Further, the same use will provide

convenient access to such a service for residential and commercial users in the vicinity of the Property as well as augment the proposed Brambleton Active Adult community east of the Property.

- Matter 6. *Is there sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses?*

The use will meet the applicable buffering and screening standards of the 1993 Revised Loudoun County Zoning Ordinance. The site is segregated from adjacent parcels to the north and east by Route 621 Extended and Route 659 Extended, respectively. Also, existing vegetation will be utilized to buffer the proposed use from Route 621 Relocated.

- Matter 7. *Will the proposed special exception result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance?*

The Property does not include any unique historic or scenic, or natural features that warrant protection or preservation, and there are no steep slopes on the Property. However, the project does propose to incorporate an existing floodplain, associated riparian buffers and wetlands as part of the 41% open space associated with this and other special exception uses.

- Matter 8. *Will the proposed special exception damage existing animal habitat, vegetation, water quality (including groundwater) or air quality?*

See response to Matter 7 above. The proposed special exception is not anticipated to have any adverse impacts on the environment and, in fact, is more sensitive to the environment than the currently approved zoning district. The proposed exception will not damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

- Matter 9. *Will the proposed special exception at the specified location contribute to or promote the welfare or convenience of the public?*

Applicant believes that with the Brambleton Active Adult community proximately located to the east of the Property along Route 621, an assisted living facility at this site would permit elderly residents to age-in-place. In fact, the County's recently adopted Countywide Senior Housing Policies support various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County.

- Matter 10. *Will the traffic expected to be generated by the proposed use be adequately and safely served by roads, pedestrian connections and other transportation services?*

The site has excellent access from a four lane road (Route 621 Relocated) and a 6 lane road (Route 659 Relocated). Also, users will be able to avail themselves of all transportation and pedestrian connections at Brambleton.

The transportation impacts are outlined in the Brambleton Additions Traffic Impact Study prepared by Wells & Associates, dated December 22, 2004, revised through May 10, 2006 included with this special exception application. At buildout, all nearby intersections maintain acceptable levels of service with the development of the Property as proposed.

Matter 11. *Will, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County?*

Not Applicable.

Matter 12. *Will the proposed special exception be served adequately by essential public facilities and services?*

The special exception will be adequately served by public sewer and water and necessary fire and rescue services.

Matter 13. *Will the proposed special exception use affect groundwater supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

Matter 14. *Will the proposed use affect the structural capacity of the soils?*

The proposed use is not anticipated to have an adverse impact on the structural capacity of the soils.

Matter 15. *Will the proposed use negatively impact orderly and safe road development and transportation?*

The proposed special exception will not negatively impact orderly and safe road development and transportation.

Matter 16. *Will the proposed special exception use provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan?*

The establishment of an assisted living facility at this corner of the Brambleton community will provide desirable employment and enlarge the tax base in a fashion consistent with the Comprehensive Plan.

Matter 17. *Will the proposed special exception consider the needs of agriculture, industry, and businesses in future growth?*

The proposed special exception is not located in an area planned for future agricultural uses, and the use will help support the personal needs of current and/or former local business and industry workers.

Matter 18. *Will adequate on and off-site infrastructure be available?*

Yes. Adequate on an off-site infrastructure will be available at the time of development.

Matter 19. *Are odors anticipated which may be generated by the uses on site, and which may negatively impact adjacent uses?*

Anticipated odors are those typically associated with the proposed use, none of which are noxious or offensive. The proposed use is to be located south of Route 621 Relocated and away from the proposed residential component north of Route 621 Relocated.

Matter 20. *Do the proposed special exception uses provide sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas?*

The Special Exception use is not located so as to permit construction traffic to access the site through existing neighborhoods or school areas. All construction traffic would access the site off of Route 621 Relocated and/or Route 659 Relocated. Also, the site for the proposed special exception use and the areas surrounding the uses are currently undeveloped. It will not have an impact on existing neighborhoods and school areas.